

EXHIBIT T

August 9, 2006

<p style="text-align: right;">342</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 melody; correct? 3 A. Correct. 4 Q. What did you mean at the time 5 you wrote "melody?" 6 A. When I did my declaration I 7 confused myself with Celebrex. I was working 8 on all three. I concentrated on Aparthenonia 9 and Bust Dat Groove. But I also used the 10 Celebrex commercial. Which has a melody. 11 That is where I was confused as I was doing 12 it. It was the first time as well as doing a 13 declaration because I never went that far. I 14 am sure I missed a couple of things. 15 Q. But Aparthenonia itself does 16 not have a melody; correct? 17 A. No. 18 Q. And Bust Dat Groove does not 19 have a melody? 20 A. No. 21 MR. CHIN: Objection. 22 Q. So, if you look at paragraph 19 23 of your report -- your declaration rather on 24 page 10. 25 A. Yes.</p>	<p style="text-align: right;">344</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 tones are the ones that initially told me they 3 were the same record. If they were just flat 4 snares I wouldn't have been able to tell. 5 Q. Drums have pitch; right? 6 A. Pitch, yes, tone when you pitch 7 it up the tone changes, it is brighter, 8 darker. 9 Q. And you can adjust pitch on the 10 MP3,000; right? 11 A. Yes, you can. 12 Q. You adjusted the pitch on Bust 13 Dat Groove to make it higher so it sounds more 14 like Aparthenonia in your edited version; 15 correct? 16 A. No. Incorrect. I adjusted it 17 for speed. Not so that it could sound the 18 same. It was moving a little bit slower 19 because of the tempo of the new record. When 20 you pitch it, it catches up in speed. If you 21 pitch it drastically then you're affected. 22 Q. Did that change the tone as 23 well? 24 A. Slightly. 25 Q. Do you mean something different</p>
<p style="text-align: right;">343</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 Q. Where you again say "same 3 rhythm, melody and overall feel," were you 4 again referring -- strike that. 5 If you look at page 19 where 6 melody is again mentioned. 7 MR. CHIN: Page 19? 8 MR. OLSON: Paragraph 19. 9 Q. Let's start over. Paragraph 10 19, where you use melody again -- 11 A. Yes. 12 Q. -- is that the same as before 13 where you are thinking of Celebrex? 14 A. Yes. 15 Q. So notwithstanding what 19 16 says, paragraph 19 says of your declaration, 17 Bust Dat Groove does not have a melody; 18 correct? 19 MR. CHIN: Objection. 20 A. My opinion Bust Dat Groove does 21 not have what you consider a common melody 22 where there is bells ringing or things like 23 that, but it has a tone of its own. That is 24 what I consider a tone. There is a tone to a 25 kick. There is a tone to the snare. Those</p>	<p style="text-align: right;">345</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 when you say pitch than when you say tone? 3 A. No. For me pitch and tone are 4 pretty much the same. 5 Q. So I understand there is drums 6 can have pitch. That can be adjusted by 7 tuning the drums? 8 A. Correct. The skins. 9 Q. And you adjusted the pitch by 10 changing the timing on Bust Dat Groove snare 11 hit; right? 12 A. No. I adjusted the pitch not 13 the timing. The pitch corresponds to timing. 14 If you pitch something upward it moves a tad 15 bit faster. Timing would just be timing, 16 meaning you actually move the item. 17 Q. I might have misheard before. 18 I thought you said you made the snare hit a 19 little faster which adjusted the pitch; is 20 that correct? 21 A. No. Backwards. I adjusted the 22 pitch so it could be a bit faster. 23 Q. Okay. So you adjusted the 24 pitch of the snare from the original Bust Dat 25 Groove; correct?</p>

August 9, 2006

<p style="text-align: right;">346</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 A. Correct. 3 Q. That made it a bit faster; 4 correct? 5 A. Slightly. 6 Q. You've testified that when you 7 say that you can use pitch or tone to mean the 8 same thing; is that right? 9 A. For me it can. I understand it 10 that way. 11 Q. When you been using it here 12 with us today, did you mean different things 13 when you said pitch than tone or do you mean 14 the same thing? 15 A. No, for me they mean the same. 16 For you tone may be base and treble on a 17 radio. For me it is not because I am working 18 within a studio. 19 Q. I want to understand how you 20 are using it. 21 A. Like someone says how do you 22 like my tone? To me it is their pitch. 23 Q. I understand about drums having 24 pitch. But then let me ask does Bust Dat 25 Groove have any melody?</p>	<p style="text-align: right;">348</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 certain musicians. I am sure drummers and 3 other folks like myself consider it a form of 4 melody. Maybe not written melody. But it is 5 melody. It has got its own melody. 6 Q. Can you hum the melody? 7 A. Yeah, it goes "hum, hum, hum, 8 hum," goes up and down. It doesn't go "hum, 9 hum, hum" straight. There is a tone to the 10 snare. Especially as bright as highly pitched 11 as the snare was recorded that is what 12 distinguishes, most snares are pretty flat. 13 They don't have that high bite. They sound 14 boxy. 15 There are things called box 16 snares, this snare was tuned high when he 17 tuned the skins, that was the initial thing I 18 knew was the same snare when I heard the roll 19 and things of that nature I was able to. So 20 that kit, that drum kit creates its own 21 melody. 22 Q. Have you ever heard a snare 23 drum tuned tightly to have a high pitch like 24 the one on Bust Dat Groove before? 25 A. Yes. Or higher but not exact.</p>
<p style="text-align: right;">347</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 A. Again, it is a difficult 3 question because melody is different to us. 4 Melody to you is like a song we sing. To me a 5 drum kit has melody because it is a low tone, 6 a low pitch with a high pitch, moves around 7 and creates its own sort of rhythmic melody. 8 But maybe to a trumpet player they may not see 9 it that way, I don't know. 10 Q. Just earlier you testified that 11 Bust Dat Groove does not have melody. Are you 12 now changing your testimony to say that it 13 does have melody? 14 MR. CHIN: Objection. 15 A. No, I am not. I am saying it 16 doesn't have melody in the way maybe you may 17 consider it or someone else. I'm saying the 18 Celebrex commercial had its own melody you can 19 hear the whistling and flute, whatever was 20 going on. 21 But when you listen to 22 Aparthenonia and Bust Dat Groove, they share 23 the same tone. You can almost hum the low end 24 and high end. It is not, again, a melody 25 where it is recognized that way maybe by</p>	<p style="text-align: right;">349</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 Q. You never heard one tightened 3 to have exactly the pitch of Bust Dat Groove; 4 is that correct? 5 A. That is correct. 6 Q. Would it be possible to tighten 7 snare drum to have exactly the pitch of Bust 8 Dat Groove? 9 MR. CHIN: Objection. 10 A. I believe you could somehow 11 come close, but depending on the skin, the 12 drum, the equipment. I can't say it would be 13 exact. 14 Q. If you had the same snare 15 drum -- not the same but if you had a snare 16 drum made by the same manufacturer, put out in 17 the same production, etc., could you tighten 18 that one to have the same pitch? 19 MR. CHIN: Objection. 20 A. Possible. Maybe accidentally 21 because you would have to know where he went 22 how far he tightened it. It is individual 23 taste in each drummer. 24 Q. Thousands of drummers in the 25 U.S.; right?</p>

<p style="text-align: right;">390</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 Q. They play equally on both 3 speakers straight up the middle? 4 A. Straight up the middle they 5 fill both speakers, yes. 6 (Track Playing.) 7 Q. Did you adjust the pitch at all 8 in making these two snare roll comparisons? 9 A. I do not recall. I only recall 10 the snare. 11 Q. So you might have or you might 12 not? 13 MR. CHIN: Objection. 14 A. I would probably say might not. 15 Q. But you don't recall for 16 certainty today? 17 A. I don't recall for certainty, 18 no, I do not. 19 Q. Let's listen to track 2. 20 (Track Playing.) 21 Q. Can you describe what we are 22 listening to on track 2? 23 A. You are listening to samples of 24 the closed hi-hat in Aparthenonia and closed 25 hi-hat from Bust Dat Groove.</p>	<p style="text-align: right;">392</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 A. Yes, I do. 3 Q. Is it your opinion that using 4 digital signal processing you could make those 5 two sounds sound exactly the same? 6 A. If I had the exact same 7 settings I believe I can. Whatever the 8 settings were that were used to brighten and 9 equalize and process that hi-hat. 10 Q. Could you do it on your own? 11 A. Yes. But I couldn't be sure of 12 the preset. There are literally thousands of 13 reverbs, depending on what the defendant has 14 in his collection. I would only be making a 15 guess. 16 Q. Given enough time can you make 17 them sound, do you think in your professional 18 opinion, the same through use of DSP? 19 A. I think my current opinion of 20 it being 98 percent the same I can bring it 21 probably up to 99. I couldn't be 100 because 22 I would have no knowledge what the reverb was 23 so that it would be unquestionable. You 24 couldn't tell the difference in the reverbs, 25 but I don't know what that setting is.</p>
<p style="text-align: right;">391</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 Q. Is the first sound from 3 Aparthenonia? 4 A. The first one is Aparthenonia. 5 Q. Second one is from Bust Dat 6 Groove? 7 A. Correct. 8 Q. Then do they repeat again A B, 9 A B? 10 A. Yes. That is the arrangements. 11 Q. Is this the closed hi-hat you 12 are referring to in 13 B of your declaration 13 on page 6? 14 A. Yes. 15 Q. I am going to play that again 16 from the beginning. 17 (Track Playing.) 18 Q. So those two don't sound 19 exactly the same to me. One sounds a little 20 flatter. Do you hear any difference? 21 MR. CHIN: Objection. 22 A. That is the DSP. That is what 23 the signal processing does. 24 Q. So you hear the difference, 25 too?</p>	<p style="text-align: right;">393</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 Q. Is it your testimony if you 3 heard just this hi-hat from Bust Dat Groove 4 used in another song you would know the hi-hat 5 came from Bust Dat Groove? 6 A. Not initially, no. I would 7 have to be directed to, a client would have to 8 tell me I believe this hi-hat is from my 9 record. I couldn't just pick it out. No. I 10 would have to look for it. 11 Q. If you were directed to it. If 12 you're just comparing hi-hats, say that's all 13 that was taken, then would you be able to 14 determine whether the hi-hat came from Bust 15 Dat Groove? 16 A. I believe I would. 17 Q. Do you feel confident of that? 18 A. To the extent that if I 19 couldn't I would just say I can't. I am 20 assuming we're talking about someone asking me 21 to pick out a hi-hat from something. As I 22 told Mr. Vargas, if I don't think it is there 23 I am not even going to bother to look. 24 Q. What is the basis for your 25 feeling of confidence if you heard the Bust</p>

August 9, 2006

<p style="text-align: right;">406</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 he requested it, even if I remember correctly 3 Reasons wasn't even mentioned in the 4 beginning. It was just a master. Reasons 5 from what I understand came later. 6 Q. Let's listen to the rest of 7 these tracks quickly and get you on your way. 8 Track number 3. 9 (Track Playing.) 10 Q. Can you describe what we are 11 hearing there? 12 A. We are hearing the kick drum 13 that I mentioned was used as a filler kick 14 that was pulled out of Bust Dat Groove and 15 used in Aparthenonia. We hear, my opinion, a 16 slight difference because of processing. Bit 17 of a brighter edge but core of the kick is the 18 same. 19 Q. When you say filler kick, that 20 is referring to the alternate kick that is 21 described in 13 D of your declaration on 22 page 6; correct? 23 A. Correct. 24 Q. I heard a difference in the 2 25 tracks. Sorry, let's backup. What do we</p>	<p style="text-align: right;">408</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 (Track Playing.) 3 Q. What is track 3, what are we 4 hearing? 5 A. Track 3 is the kick that was 6 sampled from the second beat going into the 7 third. 8 Q. Is that the kick splash? 9 A. Splash. 10 Q. Referred to at 13 C of your 11 declaration? 12 A. Correct. The differences 13 you're hearing are in brightness, but you have 14 the splash on the kick. 15 Q. In both? 16 A. In both. If you turn the 17 speakers toward you you can hear it. That 18 again was one of the reasons I was more and 19 more convinced as I went by, because how would 20 Reasons create a kick with Ralph's splash in 21 it with the same tone of kick. It is just 22 like twins almost. It is almost like twins. 23 So how can they come from two 24 different mothers if it is twins, it is from 25 the same guy in my opinion. It was somehow</p>
<p style="text-align: right;">407</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 hear, what is the first sound we hear played 3 on that track 3? 4 A. Do you want me to tell you 5 before you play it? 6 Q. Yes. 7 MR. CHIN: Is it track 3 or 4. 8 MR. OLSON: Track 3. We are 9 on track 3. 10 A. You are hearing this sample of 11 Aparthenonia's kick hit first. Then you're 12 hearing the Bust Dat Groove one hit. 13 Q. Okay. I think Mr. Chin pointed 14 something out here. So I am playing track 3. 15 A. 4. 16 MR. CHIN: That is what I 17 thought. 18 Q. Let me play again this is track 19 3. In your declaration we are both looking at 20 on page 8 here it says track 4 is the filler 21 track; right? 22 A. Correct. 23 Q. Let's start again with track 3 24 and have it fresh? 25 A. I know where you are. Go on.</p>	<p style="text-align: right;">409</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 sampled by someone and used as a kick in this 3 song. 4 Q. But you don't know or you can't 5 personally say that it is impossible to use 6 Reason to make a kick splash sound; is that 7 correct? 8 A. It is not impossible to make 9 any kick and a splash. You know the degree 10 that would have to be different was so small 11 for me to go, oh, I'm out of here. It would 12 be that small, but it just doesn't exist. If 13 BT's friend was in the studio, BT didn't know, 14 he loaded sounds, something like that, you 15 could get me with that. Everyone is claiming, 16 yeah, this is from a program that sounds 17 exactly like this gentleman's record. It is 18 virtually impossible to me. 19 Q. I understand. I want to try to 20 get through these. 21 A. Forgive me. That is why I am 22 saying it sounds the same where you go can it 23 be happening with another? Sure anything 24 could happen. But the possibilities that this 25 guy in New York, that guy way over there did</p>

August 9, 2006

<p style="text-align: right;">410</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 it the same, I don't believe him. 3 Q. First on track 3 do we have 4 Aparthenonia's kick; is that right? 5 A. Correct. It is the brighter 6 one. 7 Q. Then second is Bust Dat Groove 8 kick? 9 A. Correct. 10 Q. They repeat A B as before? 11 A. Correct. 12 Q. Let's listen one more time. 13 A. Sure. 14 (Track Playing.) 15 Q. Is there a splash on that first 16 one? 17 A. There is a splashy sort of what 18 we call gated sound. It is almost like a 19 cough. You hear reverb hangs, it is like a 20 "pa" but then a gate goes "chu, chu", it is a 21 reverb gated and cut off. That is not exactly 22 a gated reverb, but gated sounds. It is a 23 splashy sound, it is absolutely identical on 24 both other than brightness, the EQ. I believe 25 if I bring that one up with the treble and add</p>	<p style="text-align: right;">412</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 A. The first one you heard was 3 Aparthenonia. The second was Bust Dat Groove. 4 Q. Do they repeat A B? 5 A. Yes, they do. 6 (Track Playing.) 7 Q. I am going to play it again. 8 Wrong track. Okay. 9 (Track Playing.) 10 Q. Again I hear somewhat of a 11 difference, do you hear a difference in those 12 two? 13 A. Slight. 14 MR. CHIN: Objection. 15 Q. What was your answer? 16 A. My answer was I hear a slight 17 difference. 18 Q. What in your opinion creates 19 that difference? 20 A. EQ and DSP. Equalization, 21 brighter top, and a digital signal processing 22 to let it breath a little more. 23 Q. Now I want to take you to track 24 5. This is where we are going to hear 25 Aparthenonia and then Bust Dat Groove;</p>
<p style="text-align: right;">411</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 whatever the reverb was on that it would be 3 absolutely identical. 4 Q. In your expert opinion what 5 instrument is used to create the sound we are 6 hearing on track 3? 7 A. The complete sound? 8 Q. Yeah. 9 A. It is a kick drum with a cymbal 10 hitting simultaneously on top of it. 11 Q. Let's listen to track 4. 12 (Track Playing.) 13 Q. What are we hearing on track 4? 14 A. You are hearing the filler kick 15 being used in Aparthenonia, then in Bust Dat 16 Groove. 17 Q. Is that what is called the 18 alternate kick in 13 D of your declaration? 19 A. Correct. 20 Q. Back to track 3 for a second. 21 Did track 3 contain the kick splash that is 22 referred to as 13 C in your declaration? 23 A. Correct. 24 Q. Which one do we hear first on 25 track 4?</p>	<p style="text-align: right;">413</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 correct? 3 A. Yes. 4 Q. Then it says in your 5 declaration, the third you hear both playing 6 at the same time and both hear the audio 7 flange; is that right? 8 A. Correct. 9 Q. Let's listen to that. 10 (Track Playing.) 11 Q. Right there. Did they just 12 start playing at the same time? 13 A. They are flanging, yes, they 14 are playing together. 15 Q. Before we get to them playing 16 together so the two sounds somewhat different 17 to me, do they sound somewhat different to 18 you? 19 MR. CHIN: Objection. 20 A. In my professional opinion 21 outside of the DSP they are absolutely exact. 22 Q. Right. But I am not asking 23 about outside the DSP. I am saying as we 24 listen to them? 25 A. Yes. The DSP is lacking the</p>

<p style="text-align: right;">414</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 breath it seems to cut off short because of 3 breathing the reverb. 4 Q. I understand you think some 5 things could be done to make them sound the 6 same. 7 A. Correct. 8 Q. As we listen to them here do 9 they sound different to you? 10 MR. CHIN: Objection. 11 A. Slightly. 12 Q. I can hear difference. Can you 13 hear a difference? 14 A. Slight, very small. 15 Q. To me it sounds like 16 Aparthenonia sounds a little, I don't know, 17 would brighter be the term? 18 A. Right. It is brighter and 19 airier. Again, no disrespect, I don't 20 understand the law. My audio the way I 21 understand audio you don't understand it. Of 22 course it sounds different. That is why I 23 have to continue to say slight because if 24 someone of the same caliber of me would sit 25 there he would understand what I mean by</p>	<p style="text-align: right;">416</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 Q. -- moved things around to try 3 to make it sounds like Aparthenonia? 4 A. My statement would be moved 5 things around to create what was done, to 6 create Aparthenonia. I am not trying to make 7 my record sound like theirs. I am trying to 8 show how they used our record to sound like 9 that. Because then it makes it sound like I 10 am trying to emulate their record. I'm not. 11 Q. You were trying to make it 12 sound like Aparthenonia; right? 13 A. Right because I knew 14 Aparthenonia was the defendant -- the 15 plaintiffs' record. I knew he didn't use it 16 in that form. I had to put it, I had to edit 17 it and move things around as was done to 18 initially to create Aparthenonia. 19 Q. As you think it was done? 20 A. Because if I tried to 21 manipulate it, it would sound nothing like 22 Aparthenonia. If the elements were different. 23 If we were absolutely different, no matter 24 what I did here it would clash, it would 25 absolutely not flange. My point being is that</p>
<p style="text-align: right;">415</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 slight. He would say you're missing reverb, 3 correct. Otherwise if I weren't to consider 4 reverb I am listening to the same exact record 5 in my world with musicians. Musicians would 6 pick that up instantly. 7 Q. They would pick up how it could 8 be similar. They can hear what I can hear 9 which is differences too; right? 10 A. True. But as a professional 11 they would know all it lacks is reverb, 12 someone that has that profession, someone like 13 yourself especially if your job is to defend 14 the product you are going to notice some 15 differences maybe sounds that way to you but 16 to me or maybe even someone sitting in that 17 desk out there, I think they would think it is 18 exactly the same thing. 19 Q. When we are talking about track 20 5 here and talking about Bust Dat Groove, this 21 is your edited version of Bust Dat Groove? 22 A. Correct. 23 Q. The one you took from a sample 24 of the original Bust Dat Groove -- 25 A. Correct.</p>	<p style="text-align: right;">417</p> <p>1 IVAN A. RODRIGUEZ - CONFIDENTIAL 2 I guess the opinion is what I think. But in 3 my testimony what I believe in my heart, 4 Aparthenonia is not what I think, I know 5 Aparthenonia was made from this record in my 6 heart. That's what I believe. 7 Q. That's what you believe based 8 on analysis you described in this declaration? 9 A. Correct. 10 Q. Not based on any personal 11 knowledge you have of how Aparthenonia was 12 made? 13 A. No. By the way it sounds and 14 by the analysis. 15 Q. Let's try to hear the flanging, 16 I am not sure I heard that. 17 A. You have to point it to 18 yourself. It is hard in stereo. 19 Q. Can you hear it? 20 A. Yes. 21 MR. CHIN: Where are we on 22 time? 23 VIDEOGRAPHER: We are at 7 24 hours and 6 minutes. 25 A. It will be a bit difficult but</p>